

PROB 12B  
(7/93)

**United States District Court**  
**for**

**District of New Jersey**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Edwin Villanueva

Cr.: 02-00519-001

Name of Sentencing Judicial Officer: William G. Bassler, USDJ

Date of Original Sentence: 10/07/02

Original Offense: Possession With Intent to Distribute Cocaine Base

Original Sentence: 65 months imprisonment, 4 years supervised release, \$100 special assessment

Type of Supervision: Supervised Release

Date Supervision Commenced: 12/17/05

**PETITIONING THE COURT**

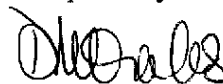
- ☐ To extend the term of supervision for \_\_\_\_\_ Years, for a total term of \_\_\_\_\_ Years.  
☒ To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant is to be confined to his residence for a period of 1 months commencing at the direction of the U.S. Probation Office. The defendant shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures. The defendant shall permit the probation officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. The defendant shall comply with any other specific conditions of home confinement as the probation officer requires. The defendant shall pay the costs of electronic monitoring, specifically \$3.18 per day.

**CAUSE**

On January 4, 2007, and May 16, 2007, the offender was observed driving a vehicle without a valid driver's license.

Respectfully submitted,



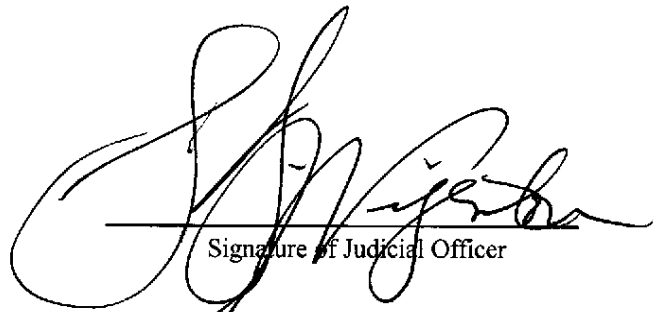
By: Denise Morales  
U.S. Probation Officer


Date: 08/02/07



THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
- ☐ The Extension of Supervision as Noted Above
- ☐ No Action
- ☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer

  
\_\_\_\_\_  
Date

PROB 49  
(3/89)

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant is to be confined to his residence for a period of 1 month commencing at the direction of the U.S. Probation Office. The defendant shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures. The defendant shall permit the probation officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. The defendant shall comply with any other specific conditions of home confinement as the probation officer requires. The defendant shall pay the costs of electronic monitoring, specifically \$3.18 per day.

Witness:

DMorales

Denise Morales  
U.S. Probation Officer

Signed:

Edwin Villanueva

Edwin Villanueva  
Probationer or Supervised Releasee

7/24/07  
DATE

UNITED STATES DISTRICT COURT  
PROBATION OFFICE  
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY  
CHIEF PROBATION OFFICER

THOMAS S. LARSON  
SUPERVISING PROBATION OFFICER

August 2, 2007

200 FEDERAL PLAZA  
ROOM 130  
P.O. BOX 2097  
PATERSON, NJ 07509-2097  
(973) 357-4080  
FAX: (973) 357-4092

U.S. District Judge-Designate  
Martin Luther King Jr. Federal Building and Courthouse  
P.O. Box 999  
Newark, NJ 07101-0999

RE: Villanueva, Edwin  
Dkt. No. 02-00519-001  
Request for Modification of the Conditions of Supervision

Dear Judge Designate:

On October 7, 2002, Edwin Villanueva was sentenced by the Honorable William G. Bassler to sixty-five months imprisonment, four years supervised release and a \$100 special assessment for Possession with Intent to Distribute Cocaine Base (Crack). The only special condition is drug testing/treatment. The offender has been supervised since his release from custody on December 18, 2005. The purpose of this letter is to report Villanueva's non-compliance with the conditions of his supervision.

During an employment contact on January 4, 2007, the probation officer observed Villanueva approach the business in a 2000 Ford Excursion that is registered to Arisleyda Paulus; the offender identified this individual as his girlfriend's daughter. Knowing that the offender does not possess a valid driver's license (it is suspended due to unpaid tickets and fines), Villanueva was reprimanded. Villanueva was advised that his conduct was a violation of his supervised release and he was directed to immediately stop driving until such time as his license is renewed. Despite Probation's directive, the offender was observed driving a 2000 Mercedes Benz (registered to Elcykuty Koshy, whom the offender identified as his boss) on May 16, 2007. On July 23, 2007, the probation officer conducted an employment contact and observed the 2000 Ford Excursion parked across the street from the business. The offender continues to deny that this vehicle is his, although it has also been observed parked at his home on other occasions.

Taking into consideration the nature of the above violations, it appears that a violation hearing is not warranted at this time. However, we are recommending that an immediate sanction be imposed. We respectfully recommend that the Court approve a modification of home confinement for one month. Please note that Villanueva has agreed to the modification and has waived his right to a hearing. He has also agreed to begin making payment toward the surcharges so that his license is renewed. Unless Your Honor considers otherwise, we ask that you review the attached Probation Form 49, *Waiver of Hearing to Modify Conditions of Supervised Release*, and sign the attached Probation Form 12B authorizing the modification.

As always, we make ourselves available should you wish to discuss this matter. The undersigned can be contacted at (973)357-4090.

Very truly yours,

CHRISTOPHER MALONEY, Chief  
U.S. Probation Officer



By: Denise Morales  
U.S. Probation Officer

/dm

Enclosures

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